



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/819,014	03/28/2001	Jung-Wan Ko	1293.1188	9741
49455	7590	10/19/2005	EXAMINER	
STEIN, MCEWEN & BUI, LLP 1400 EYE STREET, NW SUITE 300 WASHINGTON, DC 20005				CHEVALIER, ROBERT
ART UNIT		PAPER NUMBER		
		2616		

DATE MAILED: 10/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/819,014	KO ET AL.
	Examiner	Art Unit
	Bob Chevalier	2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 28 March 2001.
- 2a) This action is FINAL.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-51 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) 26-35 and 44-49 is/are allowed.
- 6) Claim(s) 1-17,19-25,36-42,50 and 51 is/are rejected.
- 7) Claim(s) 18 and 43 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 28 March 2001 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_.

***Claim Rejections - 35 USC § 101***

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. Claims 1-15, and 50-51, are rejected under 35 U.S.C. 101 because the claim is directed to a recording medium storing nonfunctional descriptive material.

Data structures not claimed as embodied in computer-readable media are descriptive material *per se* and are not statutory because they are neither physical "things" nor statutory processes. See, e.g. *Warmerdam*, 33 F.3d at 1361, 31 USPQ2d at 1760 (claim to a data structure *per se* held nonstatutory) and merely claiming nonfunctional descriptive material stored in a computer-readable medium does not make it statutory. See MPEP 2106.IV.B.1.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 9-17, 19-25, 36-42, are rejected under 35 U.S.C. 102(e) as being anticipated by Maruyama et al.

Maruyama et al discloses an information recording/reproducing apparatus that shows all the limitations recited in claims 9, and 36, including the feature of the video region which stores moving picture data and

encrypted audio data (See the video object having video data and audio data shown in Maruyama et al's Figure 11, and further, see Maruyama et al's Figure 19, components 53-54, and 56, where it is shown that the video and the audio data are encoded before recorded), and the feature of the predetermined region which stores reproducing management information for reproducing the moving picture data and/or the encrypted audio data as specified in the present claims 9, and 36. (See Maruyama et al's Figure 3, control information DA21).

With regard to claims 10-11, 19-20, and 37-38, the feature of encrypting the audio data with method complying with a DVD-video/audio specification as specified thereof is present in Maruyama et al. (See Maruyama et al's Figure 19, components 53-54, and 56).

With regard to claims 12, 21, 39, the feature of the management information being stored in the video region as specified thereof is present in Maruyama et al. (See Maruyama et al's Figure 3, component DA21).

With regard to claims 13-15, 22-25, 40-42, the feature of management information and additional information being stored in the program chain information region of the video/audio region or in the audio title set information of the audio region as specified thereof is present in Maruyama et al. (See Maruyama et al's Figure 25, components 1011, 1024, 1103, and 1108).

With regard to claim 16, the feature of the first and second encryptors for encrypting the moving picture data and the audio data and records the same in a video region on the recording medium as specified thereof is present in Maruyama et al. (See Maruyama et al's Figure 19, components 53-54, 56, and 10).

With regard to claim 17, the feature of encoding the video/audio information before encrypting the same as specified thereof would be present in Maruyama et al. (See the capability of re-encoding the video/audio data as specified in Maruyama et al's page 14, paragraph [0266], lines 7-11).

5. Claims 18, 43, are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

6. Claims 26-35, 44-49 contain allowable subject matter over the prior art of record.

7. The following is a statement of reasons for the indication of allowable subject matter:

The claimed invention is directed to a reproducing apparatus for reproducing a recording medium having separate regions. The independent claims identify the feature of "a reproducing processor which reads the reproducing management information from the recording medium, analyzes whether the audio data and/or the video data recorded on the recording medium are encrypted, determines the encryption method based on the read reproducing management information, and reads the moving picture and/or the audio data from the recording medium; a first decrypt or which decrypts the moving picture data read from the recording medium, according to information on whether the data is encrypted and the encryption method determined by the reproducing processor; and a second decrypt or which decrypts the audio data read from the recording medium, according to information on whether the data is encrypted and the encryption method determined by the reproducing processor". The closest prior art, Maruyama et al discloses a conventional recording/reproducing apparatus, either singularly or in combination fails to anticipate or render the above underlined limitations obvious.

### ***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Otomo et al discloses a system sharing object having a plurality of contents.

Murase et al discloses an apparatus for recording and or reproducing still images  
Kanamaru discloses information reproduction method for complex and CD disks.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bob Chevalier whose telephone number is 571-272-

Art Unit: 2616

7374. The examiner can normally be reached on MM-F (9:00-6:30), second Monday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Groody can be reached on 571-272-7950. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

B. Chevalier  
October 15, 2005.

*Robert Chevalier*  
ROBERT CHEVALIER  
PRIMARY EXAMINER